

RESPONSE

Applicant submits the foregoing amendments and this response to the Office Action rejection by the Examiner dated March 26, 2004. The Office Action included rejections under § 102, § 103 and § 112. Applicant submits that the foregoing amendment traverses the rejection by the Examiner and solves the concerns expressed by the Patent Office Board of Appeals.

Claims 1 and 13 have been amended to remove the term "impermeable" and to identify a specific permeability rate of the sealed blister or recess as described herein. The support for this Amendment is specifically located in the application in the discussion of the example on pages 7 and 8 of the application. The purpose for the amendment is to define a particular permeability rate and to overcome the concerns of the Board of Appeals with respect to the written description and enablement requirements of § 112. By removing the word "impermeable" from the claims and inserting the specific definition of a permeability rate, Applicant submits that those concerns are now traversed.

With respect to the rejection in view of the prior art based on § 102 and § 103, Applicant submits that the foregoing amendments are likewise sufficient to traverse those rejections. Nowhere in those references is any permeability rate identified. Instead, as has been previously argued, Applicant submits that the permeability of those prior art containers would be significantly higher than the now-claimed 5 mg per day.

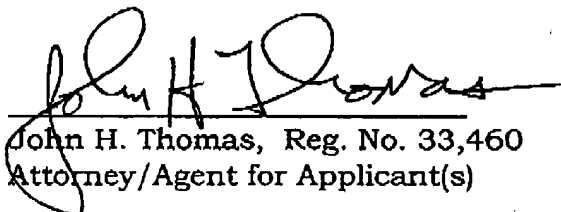
Applicant respectfully disagrees with additional contentions of the Examiner set forth in the Office Action; however, those additional arguments and disagreements are no longer necessary in view of the foregoing amendments.

Applicant submits that claims 1-10 and 13-17 are now in condition for allowance. Applicant requests that the rejections be withdrawn. Favorable action is requested hereon.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 50-2127.

Respectfully submitted,

Date: April 6, 2004

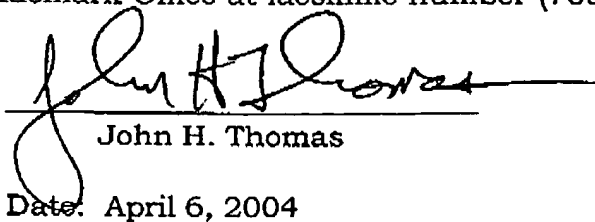
  
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner David Fidei at the Patent and Trademark Office at facsimile number (703) 872-9303, on the date shown below.

  
John H. Thomas  
Date: April 6, 2004